

CHAPTER NO. 39

HOUSE BILL NO. 2099

By Representative DuBois

Substituted for: Senate Bill No. 2010

By Senator Ketron

AN ACT relative to Maury County park rules.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Whenever used in this act, the respective terms have the following meanings unless otherwise herein expressly defined:

(1) "Board" means board of county commissioners of Maury County.

(2) "Bridle path or trail" means any path or trail maintained for persons riding on horseback.

(3) "Commission" means the Maury County board of park commissioners established and authorized by Chapter 296 of the Private Acts of 1957, to serve as the recreation advisory board for Maury County.

(4) "County" means Maury County.

(5) "Department" means the department of parks and recreation.

(6) "Foot path or trail" means any path or trail maintained for pedestrians.

(7) "Holder" means any person to which a permit is issued and which is non-transferable.

(8) "Owner" means any person, firm, association, co-partnership, or corporation, owning, leasing, operating, or having the exclusive use of a vehicle, animal, or any other similar item which item is used in recreation areas and structures owned, operated, or leased by the county.

(9) "Park", unless specifically limited, means all parks, playgrounds, recreation centers, parkways, water areas, or other recreation areas and structures owned, operated, or leased by the county.

(10) "Permit" means any written license issued by or under authority of the department, permitting the performance of a specified act or acts.

(11) "Person" means any natural person, corporation, company, association, joint stock association, firm, or co-partnership.

(12) "Regulation" means any regulation duly adopted by the commission and posted as a parks and recreation centers regulation.

(13) "Unnecessary stopping" means bringing a vehicle to a complete stop at a point other than a parking place, other than in conformity with the state vehicle and traffic laws and other than because of a defect in said vehicle.

(14) "Vehicle" means any wheeled conveyance, whether motor powered or animal driven, including, but not limited, to automobiles, trucks, go-carts, four-wheelers, motor bikes, and motorcycles. "Vehicle" does not include self-powered bicycles, wheelchairs and similar devices for the disabled, baby carriages, and vehicles in service of the county parks.

(15) "Excessive noise" means any noise by radio or amplification device or other reason that is disturbing or distracting (at a distance of fifty feet (50') or more) to the public or employee of the park.

SECTION 2. In the interpretation of this act:

(1) Any terms in the singular shall include the plural;

(2) Any term in the masculine shall include the feminine and the neuter;

(3) Any requirement or prohibition of any act shall, respectively, extend to and include the causing or procuring, directly or indirectly, of such act;

(4) No provision hereof shall make unlawful any act necessarily performed in line of duty or work as such, or by any person, his agents, or employees, in the proper and necessary execution of the terms of any agreement with the county or the department;

(5) Any act, the performance of which is deemed prohibited by local ordinance unless performed in compliance with a duly authorized permit, shall be lawful if performed under, and in accordance with any restrictions of, such a permit; and

(6) This act is in addition and supplemental to state vehicle and traffic laws which are in force in all parks, and such laws incorporated herein and made apart hereof. If, however, any provision of this act conflicts with general law in any provision, the provisions of general law shall control.

SECTION 3. This act shall be effective within and upon all parks, as defined by this act, and shall regulate the use thereof by all persons.

SECTION 4. The department may issue permits, consistent with the rules and regulations of the commission for the use of parks. A permit to do any act shall authorize the same only insofar as it may be performed in strict compliance with the terms of the permit and any applicable provisions of local or state law. Noncompliance with the terms of a permit shall constitute grounds for its revocation by the department, or by its authorized representative, and such action by the department shall be final after the permit holder has had an opportunity for a hearing regarding the revocation by the department.

In case of revocation of any permit, all moneys paid for or on an account thereof shall, at the option of the department, be forfeited to and be retained by the department. The holder of such permit, together with its agents and employees who violated such terms and conditions, shall be jointly and severally liable to the county for all damages and losses suffered by it in excess of money so forfeited and retained. Neither such forfeiture or retention by the county of the whole or any part of such moneys nor the

recovery or collection thereby of such damages, or both, shall in any manner relieve such person or persons from liability for punishment for any violation of any provisions of this act.

SECTION 5. No person shall remove, destroy, cut down, scar, mutilate, injure, take, or gather in any manner any tree, flower, fern, shrub, rock, or other plant or mineral in any park unless authorized by permit.

SECTION 6. No person shall in any manner injure, deface, disturb, destroy, or disfigure any part of any park, nor any building, sign, equipment, or other property found therein.

SECTION 7. No person shall deposit in any part of any park any garbage, sewerage refuse, waste, fruit, vegetables, foodstuffs, boxes, tin cans, paper, or other litter or other waste material of obnoxious material, except in containers designated for such purposes.

SECTION 8. No person shall pollute the streams, lakes, or other waters of any park in any manner, bathe pets, wash vehicles or clothing, or throw, cast, lay, drop, or discharge into or leave in the streams, lakes, or other waters of the park or in any storm sewer or drain flowing into said waters, any substance, matter or thing, liquid or solid which may or shall result in the pollution of said waters. Bathing of farm animals in provided areas is permitted.

SECTION 9. No person shall drive a vehicle in any park within or upon a safety zone, walk, bridle path, bicycle trail, jogging trails, fire truck trail, service road, or any part of any park not so designated by the department as a roadway.

SECTION 10. No person in a park shall operate any go-cart, minibike, dirt bike, or motorized cycle; provided, however, regularly licensed vehicles and operators may have access to streets and roadways within the parks to the same extent as public streets, subject to the traffic rules of this act and general law.

SECTION 11. No person shall ride a bicycle on other than the right-hand side of a paved vehicular road or paths designated for that purpose, or fail to keep in single file when two (2) or more bicycles are operating as a group. Bicyclists shall be permitted to ride on trails designated for bicycles or any other areas not reserved for pedestrian use only. A bicyclist shall wheel or push a bicycle by hand over any grassy area, wooded trail or paved area reserved for pedestrian use only. In addition, the use of bikes, scooters, skateboards, or skates in spectator or other designated areas is prohibited.

SECTION 12. No person shall ride any other person over the age of six (6) years of age on a single passenger bicycle in any park, or ride a bicycle in violation of the height and weight requirements of Tennessee Code Annotated, Section 55-52-105. All persons under the age of sixteen (16) shall wear helmets for bicycles pursuant to Tennessee Code Annotated, Section 55-52-105, and all persons under the age of eighteen (18) shall wear protective pads and helmets for skating and skateboarding.

SECTION 13. No person shall ride a bicycle in any park at nighttime without an attached headlight in accordance with Tennessee Code Annotated, Section 55-8-177.

SECTION 14. No owner or driver shall cause or permit a vehicle to stand anywhere in any park outside of designated parking spaces, except for a reasonable time in a driving area in order to receive or discharge passengers.

SECTION 15. No person shall cause or permit a vehicle to obstruct traffic by unnecessary stopping in a park.

SECTION 16. Rate of speed in excess of fifteen (15) miles per hour is prohibited in a park.

SECTION 17. No person shall use, ride, or walk a horse in a park, except to, from, or along a bridle path or other designated areas.

SECTION 18. Pets allowed in parks shall be attended and on a leash not more than six feet (6') long.

SECTION 19. No pets of any kind, with the exception of service dogs (seeing eye dogs, handicap assistance, or hearing dogs) shall be permitted in spectator areas or other designated areas of a park.

SECTION 20. No person within the confines of any park shall hunt, pursue, trap, shoot, injure, kill, or molest in any way, any bird or animal, except with permission of the department and only if such person possesses the necessary permit required by general law; provided, however, any such activities must be performed in compliance with all applicable general law. No person shall have any wild or dangerous bird or animal in his possession within any park.

SECTION 21. No person shall carry, possess, or discharge firearms of any description (including air guns or paint ball guns) within any park, except duly authorized law enforcement officers in accordance with general law.

SECTION 22. Unless otherwise authorized by law, no person shall bring into or have in any park an explosive or explosive substances, including, but not limited to, fireworks.

SECTION 23. No person shall kindle, build, maintain, or use a fire other than in places provided or designated for such purposes, except by permit. Any fire shall be continuously under the care and direction of a competent person over sixteen (16) years of age from the time it is kindled until it is extinguished. No person within the confines of any park shall throw away or discard any lighted match, cigarette, cigar, or other burning object. All objects must be entirely extinguished before being thrown away or discarded.

SECTION 24. No person shall consume or possess alcoholic beverages of any kind in any park, nor shall any person possess or consume any illegal drug in the park.

SECTION 25. No person in a park shall willfully and intentionally disobey a lawful order or a park superintendent, warden, caretaker, ranger, law enforcement officer; use obscene language; unreasonably disturb or annoy others; be under the influence of intoxicants; do any act tending to or amounting to a breach of the peace; or conduct himself in any disorderly manner whatsoever.

SECTION 26. Enforcement of the provisions of this act shall be as provided herein. So long as such is consistent with general law, park rangers and any other state law enforcement officer or law enforcement officer of Maury County or a local municipality shall have the duty and responsibility to enforce this act and shall be empowered to issue citations when in their judgment any provisions of this act have been violated.

SECTION 27. No person in a park shall willfully cause excessive noise, either by radio, amplification, or by other means, that is disturbing to the public or park staff at a distance of fifty feet (50') or more.

SECTION 28. No person shall, in any park, sell or offer for sale, hire, lease, or let out any object or merchandise, any building, booth, tent, staff, or any other structure whatsoever or charge admission to any meeting, exhibition, contest, or event, except under permit.

SECTION 29. No sign, notice, or advertisements of any nature shall be erected or posted at any place within any park without permission in writing from the department; nor shall any musical instrument, radio, talking machine, or drum be operated or any noise be made for the purpose of attracting attention to any exhibition of any kind, except by permit.

SECTION 30. No person shall, within any park, solicit alms or contributions for any purpose, except by permit.

SECTION 31. The commission shall have the authority to establish open and closing hours of all parks. All persons shall leave the park as specified by the commission or under permit.

SECTION 32. No person shall use or gain admittance to, or attempt to use or gain admittance to, the facilities in any park for use in a manner for which a charge is made by the department unless the person pays the charge or pays a price fixed by the board.

SECTION 33. The violation of any of the provisions of this act shall be subject to a civil penalty not to exceed fifty dollars (\$50.00), except that violations of general law shall be punished according to such law.

SECTION 34. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Maury County. Its approval or nonapproval shall be proclaimed by the presiding officer and certified to the secretary of state.

SECTION 35. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 34.

PASSED: May 12, 2003


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 27th day of May 2003


PHIL BREDEZEN, GOVERNOR